

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

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U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* ROBERT A. WIEDEMAN and PRASHANT V. WAKNIS

Appeal No. 2005-0597  
Application 09/334,386

ON BRIEF

Before OWENS, GROSS and BARRY, *Administrative Patent Judges*.  
OWENS, *Administrative Patent Judge*.

*DECISION ON APPEAL*

This appeal is from the final rejection of claims 1-17 and 26-39, which are all of the pending claims.

*THE INVENTION*

The appellants claim a satellite communication system and method wherein duplicate or multiple copies of a packet are selectively generated based on criteria that include at least one

of (a) whether the packet was previously duplicated by a previous node, and (b) a direction of transmission, from source to destination or from destination to source. Claim 1, which claims the satellite, is illustrative:

1. A satellite communication system comprising:

a plurality of satellites and a plurality of gateways,

said satellite communication system being bidirectionally coupled to a terrestrial communication system through said plurality of gateways,

said satellite communication system and said terrestrial communications system comprising together a data communication network having a plurality of nodes including source nodes, destination nodes and intermediate nodes,

wherein multiple copies of a packet are selectively generated within the data communications network based on a criteria that includes at least one of (a) whether the packet was previously duplicated by a previous node, and (b) a direction of transmission, from source to destination or from destination to source,

wherein said multiple copies of a packet coexist within the data communications network and are routed, using at least in part satellite-resident routers and gateway-resident routers, over a plurality of different paths between a particular source node and a particular destination node, and

wherein at least one duplicate copy of a given packet is not used during the execution of a packet reordering procedure in the destination node, or at an intermediate node.

*THE REFERENCES*

Leopold	5,528,693	Jun. 18, 1996
Wiedeman et al. (Wiedeman)	6,134,423	Oct. 17, 2000
	(effective filing date	Jul. 13, 1995)
Chao	6,215,776	Apr. 10, 2001
		(filed Oct. 8, 1997)

*THE REJECTIONS*

The claims stand rejected as follows: claims 1-7, 10, 15-17, 26-30, 33 and 37-39 under 35 U.S.C. § 102(e) as anticipated by Chao; claims 8, 9, 31 and 32 under 35 U.S.C. § 103 as obvious over Chao; claims 11-14, 34 and 35 under 35 U.S.C. § 103 as obvious over Chao in view of Wiedeman; and claim 36 under 35 U.S.C. § 103 as obvious over Chao in view of Wiedeman and Leopold.

*OPINION*

We reverse the aforementioned rejections. We need to address only the independent claims, i.e., claims 1, 17 and 39.<sup>1</sup>

"Anticipation requires that every limitation of the claim in issue be disclosed, either expressly or under principles of

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<sup>1</sup> The examiner does not rely upon Wiedeman or Leopold for any teaching that remedies the deficiency in Chao as to the independent claims.

inherency, in a single prior art reference." *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1255-56, 9 USPQ2d 1962, 1965 (Fed. Cir. 1989).

Independent claims 1 and 17 require that multiple copies of a packet are selectively generated within a data communications network. Independent claim 39 requires that individual ones of a stream of packets are selectively duplicated within a data communications network. All three of these independent claims require that the selection is based on criteria that include at least one of (a) whether the packet was previously duplicated by a previous node, and (b) a direction of transmission, from source to destination or from destination to source.

The examiner argues that "[t]he claimed multiple copies are selectively generated within network based on criteria is disclosed by system parameters including availability of satellites to link the source and destination gateways which takes into account a direction of transmission-uplink and downlink" (answer, page 3). The examiner further argues (answer, page 8):

Additionally, Examiner would like to direct Applicants' attention to disclosure of above mentioned enhancement of communication reliability and payload of repeated packets in Chao '776, column 5, lines 39-58. It is disclosed the payload includes ordered data from a

source terminal directed towards a destination terminal and a gateway in the communication system requesting an optimal payload length from a satellite which evaluates system and communication parameters including priority, hop count, number of hops required, error rates, available satellites to link source and destination gateways and cost of service. Therefore, Examiner believes Chao '776 teaches multiple copies of a packet being selectively generated based on a direction of transmission, from source to destination or from destination to source.

Chao discloses transmitting multiple copies of the same packet "[t]o enhance communication reliability on links with lower quality of service" (col. 5, line 66 - col. 6, line 1). The examiner has not established that the relied-upon disclosure that the system parameters include which satellites are available to link the source and destination gateways indicates that duplicate or multiple copies of a packet are selectively generated based upon whether the direction of transmission is from source to destination or from destination to source.

We therefore find that the examiner has not carried the burden of establishing a *prima facie* case of anticipation of the appellants' claimed invention. As for the independent claims rejected under 35 U.S.C. § 103, the examiner has not established that generating multiple copies of a packet based on the appellants' criteria would have been fairly suggested to one of ordinary skill in the art by Chao.

Appeal No. 2005-0597  
Application 09/334,386

*DECISION*

The rejections of claims 1-7, 10, 15-17, 26-30, 33 and 37-39 under 35 U.S.C. § 102(e) over Chao, claims 8, 9, 31 and 32 under 35 U.S.C. § 103 over Chao, claims 11-14, 34 and 35 under 35 U.S.C. § 103 Chao in view of Wiedeman, and claim 36 under 35 U.S.C. § 103 over Chao in view of Wiedeman and Leopold, are reversed.

*REVERSED*

*Terry J. Owens*  
TERRY J. OWENS  
Administrative Patent Judge

*Anita Pellman Gross*  
ANITA PELLMAN GROSS  
Administrative Patent Judge

*Lance Leonard Barry*  
LANCE LEONARD BARRY  
Administrative Patent Judge

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